

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

THE MUSCOGEE (CREEK) NATION) MDL NO. 2804
Plaintiff,)
vs.) MDL CASE NO. 1:17-MD-02804-DAP
PURDUE PHARMA L.P., et al.,) CASE NO. 1:18-OP-45459
Defendants.)
) JUDGE DAN AARON POLSTER
) **ANSWER AND AFFIRMATIVE**
) **DEFENSES OF DEFENDANT NRF,**
) **INC. D/B/A COUCH PHARMACY TO**
) **PLAINTIFF'S FIRST AMENDED**
) **COMPLAINT**

JURY DEMAND

Defendant NRF, Inc. d/b/a Couch Pharmacy (“Defendant”) hereby answers the First Amended Complaint. (*In re Nat'l Prescription Opiate Litig.*, Case No. 17-md-2804 (N.D. Ohio), (“MDL”), ECF No. 731) (“Complaint”) filed in *The Muscogee (Creek) Nation v. Purdue Pharma L.P.*

Unless expressly stated otherwise, Defendant denies each and every allegation contained in the First Amended Complaint, including any allegations contained in the preamble, unnumbered and numbered paragraphs, titles, headings, subheadings, table of contents, footnotes, exhibits, characterization of documents, and stricken paragraphs, and specifically denies any liability to Plaintiff. To the extent not expressly denied, all allegations for which Defendant denies possessing knowledge or information sufficient to form a belief are denied. Defendant reserves the right to seek to amend and supplement its Answer as may be appropriate or necessary.

INTRODUCTION

1. Defendant admits that prescription opioids are pain reducing medications that when used properly can help manage pain for certain patients. Defendant admits that as is the case with many medications, prescription opioids have risks including addiction but denies as worded the

remaining allegations contained in Paragraph 1.

2. Defendant is aware that opioid dependency occurs and is an acute problem and denies the allegations for lack of knowledge or information sufficient to form a belief as to the truth of remaining allegations contained in Paragraph 2.

3. Defendant denies the allegations contained in Paragraph 3.

4. The allegations of Paragraph 4 are directed to the conduct of other defendants, Defendant denies those allegations for lack of knowledge sufficient to form a belief as to the truth of those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

5. The allegations of Paragraph 5 are directed to the conduct of other defendants, Defendant denies those allegations for lack of knowledge sufficient to form a belief as to the truth of those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

6. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 6.

7. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 7.

8. Defendant denies as worded the allegations contained in Paragraph 8.

9. To the extent the allegations in Paragraph No. 9 are directed to the conduct of other defendants, Defendant denies those allegations for lack of knowledge sufficient to form a belief as to the truth of those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them. Defendant admits that pharmacies do dispense drugs to consumers.

10. The allegations of Paragraph 10 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

11. The allegations of Paragraph 11 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

12. The allegations of Paragraph 12 are conclusions of law to which no response is required. To the extent any response is necessary, Defendant admits that diversion can occur at a pharmacy level but denies it was involved in diversion of opioids. Defendant further denies the remaining allegations of Paragraph 12 for lack of knowledge sufficient for form a belief as to the truth of those allegations.

13. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 13.

14. The allegations of Paragraph 14 are conclusions of law to which no response is required, but to the extent any response is necessary, Defendant denies the allegations contained in Paragraph 14. Further, to the extent the remaining allegations of Paragraph 14 are directed to the conduct of other defendants, Defendant denies them for lack of knowledge sufficient to form a belief as to the truth of those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

15. The allegations of Paragraph 15 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and

therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

16. Defendant admits that there have been opioid overdoses in recent years but denies for lack of knowledge or information sufficient to form a belief as to their truth the remaining allegations contained in Paragraph 16 of Plaintiff's Complaint.

17. Defendant denies for lack of knowledge or information sufficient to form a belief as to their truth the allegations contained in Paragraph 17.

18. Defendant denies for lack of knowledge or information sufficient to form a belief as to their truth the allegations contained in Paragraph 18.

19. Defendant denies for lack of knowledge or information sufficient to form a belief as to their truth the allegations contained in Paragraph 19.

20. Defendant denies for lack of knowledge or information sufficient to form a belief as to their truth the allegations contained in Paragraph 20.

21. Defendant denies for lack of knowledge or information sufficient to form a belief as to their truth the allegations contained in Paragraph 21.

22. Defendant denies for lack of knowledge or information sufficient to form a belief as to their truth the allegations contained in Paragraph 22.

23. There are no specific factual allegations in Paragraph 23, and as such, no response is necessary, but to the extent any response is necessary, Defendant denies them.

24. There are no specific factual allegations in Paragraph 24, and as such, no response is necessary, but to the extent any response is necessary, Defendant denies them.

PARTIES

I. PLAINTIFF

25. Defendant denies for lack of knowledge or information sufficient to form a belief

as to their truth the allegations contained in Paragraph 25.

26. Defendant denies for lack of knowledge or information sufficient to form a belief as to their truth the allegations contained in Paragraph 26.

27. Defendant denies for lack of knowledge or information sufficient to form a belief as to their truth the allegations contained in Paragraph 27.

DEFENDANTS

A. Market Manufacturer Defendants

28. The allegations of Paragraph 28 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

29. The allegations of Paragraph 29 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

30. The allegations of Paragraph 30 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

31. The allegations of Paragraph 31 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

32. The allegations of Paragraph 32 are directed to the conduct of other defendants and

as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

33. The allegations of Paragraph 33 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

34. The allegations of Paragraph 34 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

35. The allegations of Paragraph 35 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

36. The allegations of Paragraph 36 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

37. The allegations of Paragraph 37 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

38. The allegations of Paragraph 38 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

39. The allegations of Paragraph 39 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

40. The allegations of Paragraph 40 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

B. Diversion Manufacturer Defendants

41. The allegations of Paragraph 41 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

42. The allegations of Paragraph 42 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

43. The allegations of Paragraph 43 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against

this Defendant, Defendant denies them.

C. Distributor Defendants

44. The allegations of Paragraph are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

45. The allegations of Paragraph 45 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

46. The allegations of Paragraph 46 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

47. The allegations of Paragraph 47 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

48. The allegations of Paragraph 48 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

49. The allegations of Paragraph 49 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and

therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

50. The allegations of Paragraph 50 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

51. The allegations of Paragraph 51 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

52. The allegations of Paragraph 52 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

53. The allegations of Paragraph 53 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

54. The allegations of Paragraph 54 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

55. The allegations of Paragraph 55 are directed to the conduct of other defendants and

as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

56. The allegations of Paragraph 56 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

57. The allegations of Paragraph 57 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

58. The allegations of Paragraph 58 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

59. The allegations of Paragraph 59 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

60. The allegations of Paragraph 60 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

61. The allegations of Paragraph 61 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

62. Defendant denies for lack of knowledge or information sufficient to form a belief as to their truth the allegations contained in Paragraph 62.

D. Pharmacy Defendants

63. The allegations of Paragraph 63 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

64. The allegations of Paragraph 64 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

65. The allegations of Paragraph 65 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

66. The allegations of Paragraph 66 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

67. The allegations of Paragraph 67 are directed to the conduct of other defendants and

as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

68. The allegations of Paragraph 68 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

69. The allegations of Paragraph 69 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

70. The allegations of Paragraph 70 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

71. The allegations of Paragraph 71 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

72. The allegations of Paragraph 72 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

73. The allegations of Paragraph 73 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

74. The allegations of Paragraph 74 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

75. The allegations of Paragraph 75 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

76. The allegations of Paragraph 76 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

77. The allegations of Paragraph 77 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

78. The allegations of Paragraph 78 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against

this Defendant, Defendant denies them.

79. The allegations of Paragraph 79 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations 9. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

80. The allegations of Paragraph 80 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

81. Defendant admits that it is an Oklahoma business entity with its principal place of business in Oklahoma. Defendant admits it is authorized to conduct business in Oklahoma. Defendant denies for lack of knowledge or information sufficient to form a belief as to their truth the remaining allegations contained in Paragraph 81 of Plaintiff's Complaint.

82. The allegations of Paragraph 82 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

83. The allegations of Paragraph 83 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

84. The allegations of Paragraph 84 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and

therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

85. The allegations of Paragraph 85 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

86. The allegations of Paragraph 86 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

87. The allegations of Paragraph 87 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

88. The allegations of Paragraph 88 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

89. The allegations of Paragraph 89 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

90. The allegations of Paragraph 90 are directed to the conduct of other defendants and

as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

91. The allegations of Paragraph 91 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

92. The allegations of Paragraph 92 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

JURISDICTION AND VENUE

93. The allegations of Paragraph 93 are conclusions of law to which no response is required. To the extent a response is required, Defendant denies the allegations for lack of knowledge or information sufficient to form a belief as to the truth of those allegations. Defendant denies that subject matter jurisdiction exists in Ohio.

94. The allegations of Paragraph 94 are conclusions of law to which no response is required. To the extent a response is required, Defendant denies the allegations for lack of knowledge or information sufficient to form a belief as to the truth of those allegations. Defendant denies that personal jurisdiction exists in Ohio.

95. The allegations of Paragraph 95 are conclusions of law to which no response is required. To the extent a response is required, Defendant denies the allegations for lack of knowledge or information sufficient to form a belief as to the truth of those allegations.

FACTUAL BACKGROUND

I. PRESCRIPTION OPIOIDS ARE HIGHLY DANGEROUS

96. Defendant admits that prescription opioids are powerful pain-reducing medications but denies for lack of knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 96.

97. The allegations of Paragraph 97 are conclusions of law to which no response is required. To the extent a response is required, Defendant denies the allegations for lack of knowledge or information sufficient to form a belief as to the truth of those allegations.

98. Defendant denies the allegations in Paragraph 98 of Plaintiff's Complaint. To the extent the allegations of Paragraph 98 of Plaintiff's Complaint relate to other defendants, Defendant denies them for lack of knowledge or information sufficient to form a belief as to the truth of those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

II. MARKETING MANUFACTURER DEFENDANTS HAVE LEGAL DUTIES TO DISCLOSE ACCURATELY THE RISKS OF OPIOIDS

99. The allegations of Paragraph 99 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

100. The allegations of Paragraph 100 are conclusions of law to which no response is required. To the extent a response is required, Defendant denies the allegations for lack of knowledge or information sufficient to form a belief as to the truth of those allegations.

101. The allegations of Paragraph 101 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth

and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

III. MARKETING MANUFACTURER DEFENDANTS VIOLATED THEIR DUTIES

A. Marketing Manufacturer Defendants Made Misleading Statements About the Risks of Prescribing Opioids to Treat Chronic Pain and Failed to State Accurately the Magnitude of Those Risks

102. The allegations of Paragraph 102 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

103. The allegations of Paragraph 103 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

1. Marketing Manufacturer Defendants Misrepresented the Risks of Addiction to Prescription Opioids

104. The allegations of Paragraph 104 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

105. The allegations of Paragraph 105 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

106. The allegations of Paragraph 106 are directed to the conduct of other defendants

and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

107. The allegations of Paragraph 107 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

108. The allegations of Paragraph 108 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

109. The allegations of Paragraph 109 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

110. The allegations of Paragraph 110 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

111. The allegations of Paragraph 111 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

112. The allegations of Paragraph 112 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

113. The allegations of Paragraph 113 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

114. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 114.

115. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 115.

2. Marketing Manufacturer Defendants Misleadingly Claimed that Patients Who Were Showing Signs of Addiction Were Not Actually Addicted

116. The allegations of Paragraph 116 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

117. The allegations of Paragraph 117 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

118. The allegations of Paragraph 118 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth

and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

119. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 119.

3. Marketing Manufacturer Defendants Falsely Claimed There Was No Risk in Increasing Opioid Dosages to Treat Chronic Pain

120. The allegations of Paragraph 120 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

121. The allegations of Paragraph 121 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

122. The allegations of Paragraph 122 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

123. The allegations of Paragraph 123 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

124. The allegations of Paragraph 124 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth

and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

125. The allegations of Paragraph 125 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

B. Marketing Manufacturer Defendants' Misleading Statements Were Designed for Maximum Effect and Targeted to Specific Audiences

126. The allegations of Paragraph 126 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

127. The allegations of Paragraph 127 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

128. The allegations of Paragraph 128 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

129. The allegations of Paragraph 129 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

130. The allegations of Paragraph 130 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

131. The allegations of Paragraph 131 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

132. The allegations of Paragraph 132 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

133. The allegations of Paragraph 133 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

134. The allegations of Paragraph 134 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

135. The allegations of Paragraph 135 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed

against this Defendant, Defendant denies them.

136. The allegations of Paragraph 136 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

137. The allegations of Paragraph 137 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

C. Marketing Manufacturer Defendants Knew or Should Have Known That Their Statements Were Misleading

138. The allegations of Paragraph 138 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

139. The allegations of Paragraph 139 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

140. The allegations of Paragraph 140 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

141. The allegations of Paragraph 141 are directed to the conduct of other defendants

and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

142. The allegations of Paragraph 142 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

143. The allegations of Paragraph 143 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

144. The allegations of Paragraph 144 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

145. The allegations of Paragraph 145 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

146. The allegations of Paragraph 146 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

147. The allegations of Paragraph 147 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

148. The allegations of Paragraph 148 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

D. Marketing Manufacturer Defendants' Conduct Violated Their Duties

149. The allegations of Paragraph 149 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

150. The allegations of Paragraph 150 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

151. The allegations of Paragraph 151 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

E. The Nation Was Harmed by Marketing Manufacturer Defendants' Name-Brand Prescription Opioids and Their Generic Equivalents as a Result of Defendants' Wrongful Marketing Conduct

152. The allegations of Paragraph 152 are directed to the conduct of other defendants

and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

153. The allegations of Paragraph 153 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

154. The allegations of Paragraph 154 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

155. The allegations of Paragraph 155 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

156. The allegations of Paragraph 156 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

F. Generic Marketing Manufacturer Defendants Failed to Effectively Communicate with Physicians and Patients About Their Products

157. The allegations of Paragraph 157 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed

against this Defendant, Defendant denies them.

158. The allegations of Paragraph 158 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

159. The allegations of Paragraph 159 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

160. The allegations of Paragraph 160 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

161. The allegations of Paragraph 161 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

IV. DIVERSION DEFENDANTS HAVE LEGAL DUTIES TO PREVENT OPIOID DIVERSION

162. The allegations of Paragraph 162 are conclusions of law to which no response is required. To the extent a response is required, Defendant denies the allegations of Paragraph 162.

163. The allegations of Paragraph 163 are conclusions of law to which no response is required. To the extent a response is required, Defendant denies the allegations of Paragraph 163. Additionally, Defendant admits that prescription opioid medications are regulated by Federal and

State governmental authorities but denies that such regulation creates statutory duties in a tort context or reflects the “standard of care” for Defendant.

164. The allegations of Paragraph 164 are conclusions of law to which no response is required. To the extent a response is required, Defendant denies the allegations of Paragraph 164.

165. Defendant denies the allegations contained in Paragraph 165.

A. Federal Law Sets a Standard of Care That Diversion Defendants Must Follow

1. Diversion Manufacturer Defendants’ and Distributor Defendants’ Standard of Care Under Federal Law

166. The allegations of Paragraph 166 are conclusions of law to which no response is required. To the extent a response is required, Defendant denies the allegations for lack of knowledge or information sufficient to form a belief as to the truth of those allegations.

167. The allegations of Paragraph 167 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

168. The allegations of Paragraph 168 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

169. Defendant admits the DEA’s Automation of Reports and Consolidated Orders System (“ARCOS”) accumulates data on manufacturer’s and distributors’ controlled substances transactions but denies for lack of knowledge or information sufficient to form a belief as to the truth the remaining allegations contained in Paragraph 169.

2. Pharmacy Defendants' Standard of Care Under Federal Law

170. The allegations of Paragraph 170 are conclusions of law to which no response is required. To the extent a response is required, Defendant denies the allegations for lack of knowledge or information sufficient to form a belief as to the truth of those allegations. Additionally, Defendant admits that prescription opioid medications are regulated by Federal and State governmental authorities but denies that such regulation creates statutory duties in a tort context or reflects the “standard of care” for Defendant.

171. The allegations of Paragraph 171 are conclusions of law to which no response is required. To the extent a response is required, Defendant denies the allegations for lack of knowledge or information sufficient to form a belief as to the truth of those allegations.

172. The allegations of Paragraph 172 are conclusions of law to which no response is required. To the extent a response is required, Defendant denies the allegations for lack of knowledge or information sufficient to form a belief as to the truth of those allegations.

173. The allegations of Paragraph 173 are conclusions of law to which no response is required. To the extent a response is required, Defendant denies the allegations for lack of knowledge or information sufficient to form a belief as to the truth of those allegations.

174. Defendant admits there are methods to identify questionable or suspicious prescriptions but denies as worded the remaining allegations contained in Paragraph 174.

175. The allegations of Paragraph 175 are conclusions of law to which no response is required. To the extent a response is required, Defendant denies the allegations for lack of knowledge or information sufficient to form a belief as to the truth of those allegations.

176. Defendant admits there are “red flags” that may alert a pharmacist to potential diversion, but Defendant denies as worded the remaining allegations contained in Paragraph 176.

177. Defendant admits that each prescriber of controlled substances is issued a number

identification by the DEA and must sign each prescription, but Defendant denies as worded the remaining allegations contained in Paragraph 177.

B. Oklahoma Law Sets a Standard of Care That Diversion Defendants Must Follow

1. Diversion Manufacturer Defendants' and Distributor Defendants' Standard of Care Under Oklahoma Law

178. The allegations of Paragraph 178 are conclusions of law to which no response is required. To the extent a response is required, Defendant denies the allegations for lack of knowledge or information sufficient to form a belief as to the truth of those allegations. Additionally, Defendant admits that prescription opioid medications are regulated by Federal and State governmental authorities but denies that such regulation creates statutory duties in a tort context or reflects the "standard of care" for Defendant.

179. The allegations of Paragraph 179 are conclusions of law to which no response is required. To the extent a response is required, Defendant denies the allegations for lack of knowledge or information sufficient to form a belief as to the truth of those allegations.

180. The allegations of Paragraph 180 are conclusions of law to which no response is required. To the extent a response is required, Defendant denies as worded the allegations contained in Paragraph 180.

181. The allegations of Paragraph 181 are conclusions of law to which no response is required. To the extent a response is required, Defendant denies the allegations for lack of knowledge or information sufficient to form a belief as to the truth of those allegations.

182. The allegations of Paragraph 182 are conclusions of law to which no response is required. To the extent a response is required, Defendant denies the allegations for lack of knowledge or information sufficient to form a belief as to the truth of those allegations.

183. The allegations of Paragraph 183 are conclusions of law to which no response is

required. To the extent a response is required, Defendant denies the allegations for lack of knowledge or information sufficient to form a belief as to the truth of those allegations.

184. The allegations of Paragraph 184 are conclusions of law to which no response is required. To the extent a response is required, Defendant denies the allegations for lack of knowledge or information sufficient to form a belief as to the truth of those allegations.

185. The allegations of Paragraph 185 are conclusions of law to which no response is required. To the extent a response is required, Defendant denies the allegations for lack of knowledge or information sufficient to form a belief as to the truth of those allegations.

2. Pharmacy Defendants' Standard of Care Under Oklahoma Law

186. The allegations of Paragraph 186 are conclusions of law to which no response is required. To the extent a response is required, Defendant denies the allegations for lack of knowledge or information sufficient to form a belief as to the truth of those allegations.

187. The allegations of Paragraph 187 are conclusions of law to which no response is required. To the extent a response is required, Defendant denies the allegations for lack of knowledge or information sufficient to form a belief as to the truth of those allegations.

188. The allegations of Paragraph 188 are conclusions of law to which no response is required. To the extent a response is required, Defendant denies the allegations for lack of knowledge or information sufficient to form a belief as to the truth of those allegations.

189. The allegations of Paragraph 189 are conclusions of law to which no response is required. To the extent a response is required, Defendant denies the allegations for lack of knowledge or information sufficient to form a belief as to the truth of those allegations.

190. The allegations of Paragraph 190 are conclusions of law to which no response is required. To the extent a response is required, Defendant denies the allegations for lack of knowledge or information sufficient to form a belief as to the truth of those allegations.

191. The allegations of Paragraph 191 are conclusions of law to which no response is required. To the extent a response is required, Defendant states that Okla. Admin. Code 535:10-3,1,2,(12) speaks for itself.

192. Defendant denies as worded the allegations contained in Paragraph 192.

193. Defendant denies as worded the allegations contained in Paragraph 193.

194. Defendant admits that questionable or suspicious prescriptions exist but denies as worded the remaining allegations contained in Paragraph 194 of Plaintiff's Complaint.

195. Defendant admits there are signs that a customer is seeking opioids for the purposes of diversion, but Defendant denies as worded the allegations contained in Paragraph 195.

196. The allegations of Paragraph 196 are conclusions of law to which no response is required. To the extent a response is required, Defendant denies the allegations for lack of knowledge or information sufficient to form a belief as to the truth of those allegations.

197. Defendant denies as worded the allegations contained in Paragraph 197.

198. Defendant denies as worded the allegations contained in Paragraph 198.

199. The allegations of Paragraph 199 are conclusions of law to which no response is required. To the extent a response is required, Defendant denies the allegations for lack of knowledge or information sufficient to form a belief as to the truth of those allegations.

V. DIVERSION DEFENDANTS HAVE FAILED TO FULFILL THEIR DUTIES

A. Diversion Manufacturer Defendants and Distributor Defendants Understood Their Duties and Violated Them Anyway

1. Diversion Manufacturer Defendants and Distributor Defendants Understood and Acknowledged Their Duties

200. The allegations of Paragraph 200 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed

against this Defendant, Defendant denies them.

201. The allegations of Paragraph 201 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

202. The allegations of Paragraph 202 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

203. The allegations of Paragraph 203 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

204. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 204.

205. The allegations of Paragraph 205 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

206. The allegations of Paragraph 206 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

207. The allegations of Paragraph 207 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

208. The allegations of Paragraph 208 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

209. The allegations of Paragraph 209 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

210. The allegations of Paragraph 210 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

211. The allegations of Paragraph 211 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

2. Prior Regulatory Actions Against Distributor Defendants for Failing to Prevent Diversion

212. The allegations of Paragraph 212 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth

and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

a. Cardinal

213. The allegations of Paragraph 213 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

214. The allegations of Paragraph 214 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

215. The allegations of Paragraph 215 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

216. The allegations of Paragraph 216 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

217. The allegations of Paragraph 217 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

b. McKesson

218. The allegations of Paragraph 218 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

219. The allegations of Paragraph 219 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

220. The allegations of Paragraph 220 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

c. AmerisourceBergen

221. The allegations of Paragraph 221 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

222. The allegations of Paragraph 222 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

223. The allegations of Paragraph 223 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth

and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

3. Diversion Manufacturer Defendants Violated Their Duties in Oklahoma

224. The allegations of Paragraph 224 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

225. The allegations of Paragraph 225 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

226. The allegations of Paragraph 226 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

227. The allegations of Paragraph 227 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

228. The allegations of Paragraph 228 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

229. The allegations of Paragraph 229 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

4. Despite Prior Regulatory Actions, Distributor Defendants Violated Their Duties in Oklahoma

230. The allegations of Paragraph 230 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

231. The allegations of Paragraph 231 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

232. The allegations of Paragraph 232 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

233. The allegations of Paragraph 233 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

234. The allegations of Paragraph 234 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth

and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

235. The allegations of Paragraph 235 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

236. The allegations of Paragraph 236 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

B. Pharmacy Defendants Understood Their Duties and Violated Them Anyway

1. Pharmacy Defendants Understood and Acknowledged Their Duties

237. Defendant denies as worded the allegations contained in Paragraph 237.

238. Defendant denies as worded the allegations contained in Paragraph 238.

239. Defendant denies as worded the allegations contained in Paragraph 239.

240. Defendant denies as worded the allegations contained in Paragraph 240.

241. The allegations of Paragraph 241 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

242. The allegations of Paragraph 242 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed

against this Defendant, Defendant denies them.

243. The allegations of Paragraph 243 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

244. Defendant denies as worded the allegations contained in Paragraph 244.

2. Prior Regulatory Actions Against Pharmacy Defendants for Failing to Prevent Diversion

245. The allegations of Paragraph 245 are conclusions of law to which no response is required. To the extent a response is required, Defendant denies as worded the allegations contained in Paragraph 245.

246. Defendant denies as worded the allegations contained in Paragraph 246.

a. CVS

247. The allegations of Paragraph 247 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

248. The allegations of Paragraph 248 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

249. The allegations of Paragraph 249 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed

against this Defendant, Defendant denies them.

250. The allegations of Paragraph 250 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

251. The allegations of Paragraph 251 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

252. The allegations of Paragraph 252 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

b. Walgreens

253. The allegations of Paragraph 253 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

254. The allegations of Paragraph 254 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

255. The allegations of Paragraph 255 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth

and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

c. Walmart

256. The allegations of Paragraph 256 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

3. Despite Prior Regulatory Actions, Pharmacy Defendants Continue to Violate Their Duties

257. Defendant denies as to this Defendant the allegations contained in Paragraph 257.

258. Defendant denies as to this Defendant the allegations contained in Paragraph 258.

259. Defendant denies as to this Defendant the allegations contained in Paragraph 259.

260. Defendant denies as to this Defendant the allegations contained in Paragraph 260.

261. Defendant denies as to this Defendant the allegations contained in Paragraph 261.

262. Defendant denies as to this Defendant the allegations contained in Paragraph 262.

VI. DEFENDANTS' MISCONDUCT HAS INJURED AND CONTINUES TO INJURE THE NATION AND ITS CITIZENS

263. Defendant denies as worded the allegations contained in Paragraph 263.

A. Marketing Manufacturer Defendants' Misconduct Has Injured and Continues to Injure the Nation and Its Citizens

264. The allegations of Paragraph 246 are conclusions of law to which no response is required. To the extent a response is required, Defendant denies the allegations for lack of knowledge or information sufficient to form a belief as to the truth of those allegations.

265. Defendant denies as worded the allegations contained in Paragraph 265.

266. Defendant denies as worded the allegations contained in Paragraph 266.

267. Defendant denies as worded the allegations contained in Paragraph 267.

268. The allegations of Paragraph 268 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

269. The allegations of Paragraph 269 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

270. The allegations of Paragraph 270 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

271. The allegations of Paragraph 271 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

272. The allegations of Paragraph 272 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

273. The allegations of Paragraph 273 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth

and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

B. Diversion Manufacturer Defendants' and Distributor Defendants' Misconduct Has Injured and Continues to Injure the Nation and Its Citizens

274. The allegations of Paragraph 274 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

275. The allegations of Paragraph 275 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

276. The allegations of Paragraph 276 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

277. The allegations of Paragraph 277 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

278. The allegations of Paragraph 278 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

279. The allegations of Paragraph 279 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

280. The allegations of Paragraph 280 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

281. The allegations of Paragraph 281 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

282. The allegations of Paragraph 282 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

283. The allegations of Paragraph 283 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

284. The allegations of Paragraph 284 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed

against this Defendant, Defendant denies them.

C. Pharmacy Defendants' Misconduct Has Injured and Continues to Injure the Nation and Its Citizens

285. The allegations of Paragraph 285 are conclusions of law to which no response is required. To the extent a response is required, Defendant denies the allegations for lack of knowledge or information sufficient to form a belief as to the truth of those allegations.

286. The allegations of Paragraph 286 are conclusions of law to which no response is required. To the extent a response is required, Defendant denies the allegations for lack of knowledge or information sufficient to form a belief as to the truth of those allegations.

287. The allegations of Paragraph 287 are conclusions of law to which no response is required. To the extent a response is required, Defendant denies the allegations for lack of knowledge or information sufficient to form a belief as to the truth of those allegations.

288. The allegations of Paragraph 288 are conclusions of law to which no response is required. To the extent a response is required, Defendant denies the allegations for lack of knowledge or information sufficient to form a belief as to the truth of those allegations.

289. The allegations of Paragraph 289 are conclusions of law to which no response is required. To the extent a response is required, Defendant denies the allegations for lack of knowledge or information sufficient to form a belief as to the truth of those allegations.

290. The allegations of Paragraph 290 are conclusions of law to which no response is required. To the extent a response is required, Defendant denies the allegations for lack of knowledge or information sufficient to form a belief as to the truth of those allegations.

291. Defendant denies the allegations contained in Paragraph 291.

292. The allegations of Paragraph 292 are conclusions of law to which no response is required. To the extent a response is required, Defendant denies the allegations for lack of

knowledge or information sufficient to form a belief as to the truth of those allegations.

293. The allegations of Paragraph 293 are conclusions of law to which no response is required. To the extent a response is required, Defendant denies the allegations for lack of knowledge or information sufficient to form a belief as to the truth of those allegations.

D. Defendants' Misconduct Has Damaged the Nation and Its Citizens

294. Defendant denies the allegations contained in Paragraph 294.

VII. FACTS PERTAINING TO CLAIMS UNDER RICO

295. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 295.

A. The Opioid Marketing Enterprise

1. The Common Purpose and Scheme of the Opioid Marketing Enterprise

296. The allegations of Paragraph 296 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

297. The allegations of Paragraph 297 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

298. The allegations of Paragraph 298 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

299. The allegations of Paragraph 299 are directed to the conduct of other defendants

and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

300. The allegations of Paragraph 300 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

301. The allegations of Paragraph 301 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

302. The allegations of Paragraph 302 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

303. The allegations of Paragraph 303 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

2. The Conduct of the Opioid Marketing Enterprise

304. The allegations of Paragraph 304 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

305. The allegations of Paragraph 305 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

306. The allegations of Paragraph 306 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

307. The allegations of Paragraph 307 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

308. The allegations of Paragraph 308 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

309. The allegations of Paragraph 309 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

310. The allegations of Paragraph 310 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed

against this Defendant, Defendant denies them.

311. The allegations of Paragraph 311 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

312. The allegations of Paragraph 312 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

313. The allegations of Paragraph 313 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

314. The allegations of Paragraph 314 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

315. The allegations of Paragraph 315 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

316. The allegations of Paragraph 316 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth

and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

317. The allegations of Paragraph 317 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

318. The allegations of Paragraph 318 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

3. The Pattern of Racketeering Activity

319. The allegations of Paragraph 319 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

320. The allegations of Paragraph 320 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

321. The allegations of Paragraph 321 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

322. The allegations of Paragraph 322 are directed to the conduct of other defendants

and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

323. The allegations of Paragraph 323 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

324. The allegations of Paragraph 324 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

325. The allegations of Paragraph 325 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

326. The allegations of Paragraph 326 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

327. The allegations of Paragraph 327 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

328. The allegations of Paragraph 328 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

B. The Opioid Supply Chain Enterprise

1. The Common Purpose and Scheme of the Opioid Supply Chain Enterprise

329. Defendant denies the allegations contained in Paragraph 329.

330. Defendant denies the allegations contained in Paragraph 330.

331. The allegations of Paragraph 331 are conclusions of law to which no response is required. To the extent a response is required, Defendant denies the allegations for lack of knowledge or information sufficient to form a belief as to the truth of those allegations.

332. Defendant denies the allegations contained in Paragraph 332.

2. The Conduct of the Opioid Supply Chain Enterprise

333. Defendant denies the allegations contained in Paragraph 333.

334. Defendant denies the allegations contained in Paragraph 334.

335. The allegations of Paragraph 335 are conclusions of law to which no response is required. To the extent a response is required, Defendant denies the allegations for lack of knowledge or information sufficient to form a belief as to the truth of those allegations.

336. Defendant denies as worded the allegations contained in Paragraph 336.

3. The Pattern of Racketeering Activity

337. Defendant denies as worded the allegations contained in Paragraph 337.

338. Defendant denies as worded the allegations contained in Paragraph 338.

339. Defendant denies the allegations contained in Paragraph 339.

- 340. Defendant denies the allegations contained in Paragraph 340.
- 341. Defendant denies the allegations contained in Paragraph 341.
- 342. Defendant denies the allegations contained in Paragraph 342.
- 343. Defendant denies the allegations contained in Paragraph 343.
- 344. Defendant denies the allegations contained in Paragraph 344.
- 345. Defendant denies the allegations contained in Paragraph 345.
- 346. Defendant denies the allegations contained in Paragraph 346.
- 347. Defendant denies the allegations contained in Paragraph 347.
- 348. Defendant denies the allegations contained in Paragraph 348.
- 349. Defendant denies the allegations contained in Paragraph 349.

C. Effects of the Opioid Marketing Enterprise and the Opioid Supply Chain Enterprise

350. The allegations of Paragraph 350 are conclusions of law to which no response is required. To the extent a response is required, Defendant denies the allegations for lack of knowledge or information sufficient to form a belief as to the truth of those allegations.

351. Defendant denies the allegations contained in Paragraph 351.

352. The allegations of Paragraph 352 are conclusions of law to which no response is required. To the extent a response is required, Defendant denies the allegations for lack of knowledge or information sufficient to form a belief as to the truth of those allegations.

ANSWER TO CLAIMS FOR RELIEF

COUNT I

VIOLATION OF RICO, 18 U.S.C. § 1961 *et seq.*
OPIOD MARKETING ENTERPRISE
(Against the Marketing Manufacturer Defendants)

- 353. NRF, Inc. d/b/a Couch Pharmacy reasserts its responses to Paragraphs 1 through

353 and incorporates by reference its responses to all other Paragraphs of the Complaint with the same legal force and effect as if fully set forth herein.

354. The allegations of Paragraph 354 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

355. The allegations of Paragraph 355 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

356. The allegations of Paragraph 356 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

357. The allegations of Paragraph 357 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

358. The allegations of Paragraph 358 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

359. The allegations of Paragraph 359 are directed to the conduct of other defendants

and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

360. The allegations of Paragraph 360 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

361. The allegations of Paragraph 361 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

362. The allegations of Paragraph 362 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

363. The allegations of Paragraph 363 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

364. The allegations of Paragraph 364 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

365. The allegations of Paragraph 365 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

366. The allegations of Paragraph 366 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

367. The allegations of Paragraph 367 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

368. The allegations of Paragraph 368 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

369. The allegations of Paragraph 369 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

370. The allegations of Paragraph 370 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed

against this Defendant, Defendant denies them.

371. The allegations of Paragraph 371 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

372. The allegations of Paragraph 372 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

373. The allegations of Paragraph 373 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

374. The allegations of Paragraph 374 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

375. The allegations of Paragraph 375 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

376. The allegations of Paragraph 376 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth

and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

377. The allegations of Paragraph 377 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

378. The allegations of Paragraph 378 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

379. The allegations of Paragraph 379 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

COUNT II

VIOLATION OF RICO, 81 U.S.C. § 1961 *et seq.* OPIOID SUPPLY CHAIN ENTERPRISE (Against all Defendants)

380. NRF, Inc. d/b/a Couch Pharmacy reasserts its responses to Paragraphs 1 through 380 and incorporates by reference its responses to all other Paragraphs of the Complaint with the same legal force and effect as if fully set forth herein.

381. The allegations of Paragraph 381 are conclusions of law to which no response is required. To the extent a response is required, Defendant denies the allegations for lack of knowledge or information sufficient to form a belief as to the truth of those allegations.

382. Defendant denies the allegations contained in Paragraph 382.

383. Defendant denies the allegations contained in Paragraph 383.
384. Defendant denies the allegations contained in Paragraph 384.
385. Defendant denies the allegations contained in Paragraph 385.
386. The allegations of Paragraph 386 are conclusions of law to which no response is required. To the extent a response is required, Defendant denies the allegations for lack of knowledge or information sufficient to form a belief as to the truth of those allegations.
387. The allegations of Paragraph 387 are conclusions of law to which no response is required. To the extent a response is required, Defendant denies the allegations for lack of knowledge or information sufficient to form a belief as to the truth of those allegations.
388. The allegations of Paragraph 388 are conclusions of law to which no response is required. To the extent a response is required, Defendant denies the allegations for lack of knowledge or information sufficient to form a belief as to the truth of those allegations.
389. The allegations of Paragraph 389 are conclusions of law to which no response is required. To the extent a response is required, Defendant denies the allegations for lack of knowledge or information sufficient to form a belief as to the truth of those allegations.
390. Defendant denies the allegations contained in Paragraph 390.
391. Defendant denies the allegations contained in Paragraph 391.
392. Defendant denies the allegations contained in Paragraph 392.
393. Defendant denies the allegations contained in Paragraph 393.
394. Defendant denies the allegations contained in Paragraph 394.
395. Defendant denies the allegations contained in Paragraph 395.
396. Defendant denies the allegations contained in Paragraph 396.
397. Defendant denies the allegations contained in Paragraph 397.

398. Defendant denies the allegations contained in Paragraph 398.

399. Defendant denies the allegations contained in Paragraph 399.

400. Defendant denies the allegations contained in Paragraph 400.

401. Defendant denies the allegations contained in Paragraph 401.

402. The allegations of Paragraph 402 are conclusions of law to which no response is required. To the extent a response is required, Defendant denies the allegations of Paragraph 402.

403. Defendant denies the allegations contained in Paragraph 403.

404. The allegations of Paragraph 404 are conclusions of law to which no response is required. To the extent a response is required, Defendant denies the allegations of Paragraph 404.

405. Defendant denies the allegations contained in Paragraph 405.

406. Defendant denies the allegations contained in Paragraph 406.

407. Defendant denies the allegations contained in Paragraph 407.

408. Defendant denies the allegations contained in Paragraph 408.

COUNT III

LANHAM ACT
(Against All Defendants)

409. NRF, Inc. d/b/a Couch Pharmacy reasserts its responses to Paragraphs 1 through 409 and incorporates by reference its responses to all other Paragraphs of the Complaint with the same legal force and effect as if fully set forth herein. Plaintiff's Lanham Act claim has been dismissed by the Court, and therefore, no response is required to Plaintiff's allegations contained in paragraphs numbered 409 through 418. Defendant responds herein for the sake of completeness.

410. The allegations of Paragraph 410 are conclusions of law to which no response is required. To the extent a response is required, Defendant denies the allegations of Paragraph 410.

411. Defendant denies the allegations contained in Paragraph 411.

412. Defendant denies the allegations contained in Paragraph 412.

413. The allegations of Paragraph 413 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

414. Defendant denies the allegations contained in Paragraph 414.

415. The allegations of Paragraph 415 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

416. The allegations of Paragraph 416 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

417. Defendant denies the allegations contained in Paragraph 417.

418. Defendant denies the allegations contained in Paragraph 418.

COUNT IV

NUISANCE (Against Marketing Manufacturer Defendants)

419. NRF, Inc. d/b/a Couch Pharmacy reasserts its responses to Paragraphs 1 through 419 and incorporates by reference its responses to all other Paragraphs of the Complaint with the same legal force and effect as if fully set forth herein.

420. The allegations of Paragraph 420 are directed to the conduct of other defendants

and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

421. The allegations of Paragraph 421 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

422. The allegations of Paragraph 422 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

423. The allegations of Paragraph 423 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

424. The allegations of Paragraph 424 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

425. The allegations of Paragraph 425 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

426. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 426.

427. The allegations of Paragraph 427 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

428. The allegations of Paragraph 428 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

429. The allegations of Paragraph 429 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

430. The allegations of Paragraph 430 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

431. The allegations of Paragraph 431 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

432. The allegations of Paragraph 432 are directed to the conduct of other defendants

and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

COUNT V

**NEGLIGENCE AND NEGLIGENCE PER SE
(Against Marketing Manufacturer Defendants)**

433. NRF, Inc. d/b/a Couch Pharmacy reasserts its responses to Paragraphs 1 through 433 and incorporates by reference its responses to all other Paragraphs of the Complaint with the same legal force and effect as if fully set forth herein.

434. The allegations of Paragraph 434 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

435. The allegations of Paragraph 435 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

436. The allegations of Paragraph 436 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

437. The allegations of Paragraph 437 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed

against this Defendant, Defendant denies them.

438. The allegations of Paragraph 438 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

439. The allegations of Paragraph 394 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

440. The allegations of Paragraph 440 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

441. The allegations of Paragraph 441 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

442. The allegations of Paragraph 442 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

443. The allegations of Paragraph 443 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth

and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

444. The allegations of Paragraph 444 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

445. The allegations of Paragraph 445 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

COUNT VI

UNJUST ENRICHMENT
(Against Marketing Manufacturer Defendants)

446. NRF, Inc. d/b/a Couch Pharmacy reasserts its responses to Paragraphs 1 through 446 and incorporates by reference its responses to all other Paragraphs of the Complaint with the same legal force and effect as if fully set forth herein.

447. The allegations of Paragraph 447 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

448. The allegations of Paragraph 448 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

449. The allegations of Paragraph 449 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

450. The allegations of Paragraph 450 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

COUNT VII

**NUISANCE
(Against Diversion Defendants)**

451. NRF, Inc. d/b/a Couch Pharmacy reasserts its responses to Paragraphs 1 through 451 and incorporates by reference its responses to all other Paragraphs of the Complaint with the same legal force and effect as if fully set forth herein.

452. Defendant denies the allegations contained in Paragraph 452.

453. Defendant denies the allegations contained in Paragraph 453.

454. Defendant denies the allegations contained in Paragraph 454.

455. Defendant denies the allegations contained in Paragraph 455.

456. Defendant denies the allegations contained in Paragraph 456.

457. Defendant denies the allegations contained in Paragraph 457.

458. Defendant denies the allegations contained in Paragraph 458.

459. Defendant denies the allegations contained in Paragraph 459.

460. Defendant denies the allegations contained in Paragraph 460.

461. Defendant denies the allegations contained in Paragraph 461.

462. Defendant denies the allegations contained in Paragraph 462.
463. Defendant denies the allegations contained in Paragraph 463.
464. Defendant denies the allegations contained in Paragraph 464.

COUNT VIII

NEGLIGENCE AND NEGLIGENCE PER SE (Against Diversion Defendants)

465. NRF, Inc. d/b/a Couch Pharmacy reasserts its responses to Paragraphs 1 through 465 and incorporates by reference its responses to all other Paragraphs of the Complaint with the same legal force and effect as if fully set forth herein. The Court has Dismissed Plaintiff's Negligence Per Se claim related to the Oklahoma Uniform Controlled Dangerous Substance Act; the federal Controlled Dangerous Substance Act; and the Federal Food, Drug, and Cosmetic Act and therefore, no response is required to Plaintiff's allegations contained in paragraphs numbered 465 through 478. Defendant responds herein for the sake of completeness.

466. Defendant denies the allegations contained in Paragraph 466.
467. Defendant denies the allegations contained in Paragraph 467.
468. Defendant denies the allegations contained in Paragraph 468.
469. Defendant denies the allegations contained in Paragraph 469.
470. Defendant denies the allegations contained in Paragraph 470.
471. Defendant denies the allegations contained in Paragraph 471.
472. Defendant denies the allegations contained in Paragraph 472.
473. Defendant denies the allegations contained in Paragraph 473.
474. Defendant denies the allegations contained in Paragraph 474.
475. Defendant denies the allegations contained in Paragraph 475.
476. Defendant denies the allegations contained in Paragraph 476.

477. Defendant denies the allegations contained in Paragraph 477.

478. Defendant denies the allegations contained in Paragraph 478.

COUNT IX

UNJUST ENRICHMENT
(Against Diversion Defendants)

479. NRF, Inc. d/b/a Couch Pharmacy reasserts its responses to Paragraphs 1 through 479 and incorporates by reference its responses to all other Paragraphs of the Complaint with the same legal force and effect as if fully set forth herein.

480. Defendant denies the allegations contained in Paragraph 480.

481. Defendant denies the allegations contained in Paragraph 481.

482. Defendant denies the allegations contained in Paragraph 482.

483. Defendant denies the allegations contained in Paragraph 483.

484. Defendant denies the allegations contained in Paragraph 484.

COUNT X

CIVIL CONSPIRACY
(Against all Defendants)

485. NRF, Inc. d/b/a Couch Pharmacy reasserts its responses to Paragraphs 1 through 485 and incorporates by reference its responses to all other Paragraphs of the Complaint with the same legal force and effect as if fully set forth herein.

486. The allegations of Paragraph 486 are directed to the conduct of other defendants and as such, Defendant lacks knowledge or information sufficient to form a belief as to their truth and therefore denies those allegations. To the extent any of the allegations are deemed directed against this Defendant, Defendant denies them.

487. Defendant denies the allegations contained in Paragraph 487.

488. Defendant denies the allegations contained in Paragraph 488.

489. Defendant denies the allegations contained in Paragraph 489.
490. Defendant denies the allegations contained in Paragraph 490.
491. Defendant denies the allegations contained in Paragraph 491.
492. Defendant denies the allegations contained in Paragraph 492.
493. Defendant denies the allegations contained in Paragraph 493.

AFFIRMATIVE AND OTHER DEFENSES

Having answered the allegations of Plaintiff's Complaint, and having denied any liability whatsoever, Defendant further denies any allegations that have not been expressly admitted and sets forth below its defenses. By setting forth these defenses, Defendant does not assume the burden of proving any fact, issue, or element of a cause of action where such burden properly belongs to Plaintiff. Moreover, Defendant does not intend these defenses to be, nor shall they be construed as, an acknowledgement that any particular issue or subject matter is relevant to Plaintiff's allegations. Defendant does not admit or acknowledge that it bears the burden of proof or burden of persuasion with respect to any such defense. Upon completion of discovery, if the facts warrant, Defendant may withdraw any of these defenses as may be appropriate. Defendant reserves the right to (i) rely on any other applicable defenses set forth in any Answer or listing of affirmative defenses of any other Defendant in this Action, (ii) rely on any other defenses that may become apparent during fact or expert discovery in this matter, and (iii) to amend its Answer to assert any such defenses.

FIRST DEFENSE

The First Amended Complaint fails to state a claim upon which relief may be granted, fails to state facts sufficient to constitute the purported causes of action, and fails to plead a legally cognizable injury.

SECOND DEFENSE

Plaintiff's claims are barred by the applicable statutes of limitations.

THIRD DEFENSE

Plaintiff's claims are barred by the doctrine of laches.

FOURTH DEFENSE

Plaintiff's claims are barred by the applicable statutes of repose.

FIFTH DEFENSE

Plaintiff's claims are barred or limited for lack of standing.

SIXTH DEFENSE

Plaintiff's claims are barred by the doctrine of primary jurisdiction.

SEVENTH DEFENSE

Plaintiff's claims are barred by the voluntary payment doctrine.

EIGHTH DEFENSE

Plaintiff's claims are barred by the doctrine of unclean hands.

NINTH DEFENSE

Plaintiff's claims are barred by the doctrine of *in pari delicto*.

TENTH DEFENSE

Venue may be improper and/or inconvenient in this Court.

ELEVENTH DEFENSE

Plaintiff's claims are not ripe and/or have been mooted.

TWELFTH DEFENSE

Plaintiff's claims and damages are barred or limited, in whole or in part, by common law, statutory, and state constitutional constraints on the exercise of police powers.

THIRTEENTH DEFENSE

Plaintiff's claims and damages are barred or limited by the political question and separation of powers doctrines and because its state law claims implicate issues of statewide importance that are reserved for state regulation.

FOURTEENTH DEFENSE

Plaintiff's claims are barred to the extent they are based on alleged violations of industry customs because purported industry customs do not create legal duties on Defendant.

FIFTEENTH DEFENSE

Plaintiff's claims are barred because Plaintiff is not the real party(ies) in interest.

SIXTEENTH DEFENSE

Plaintiff's claims are barred, in whole or in part, because Plaintiff lacks capacity to bring its claims, including claims maintained, even indirectly, on behalf of its members and/or claims brought as *parens patriae*.

SEVENTEENTH DEFENSE

Plaintiff's claims are barred to the extent Defendant has valid defenses which would bar recovery by those persons on whose behalf Plaintiff seeks recovery.

EIGHTEENTH DEFENSE

Plaintiff's claims are subject to all defenses that could be asserted if Plaintiff's claims were properly made by individuals on whose behalf Plaintiff seeks to recover.

NINETEENTH DEFENSE

Plaintiff has failed to comply with the requirement that it identify each patient in whose claim(s) it has a subrogation interest and on whose behalf it has incurred costs.

TWENTIETH DEFENSE

Plaintiff fails to plead that it reimbursed any prescriptions for any opioid dispensed by Defendant that harmed patients and should not have been written, that Defendant's alleged improper conduct caused any health care provider to write any ineffective or harmful opioid prescriptions, or that any prescription was unauthorized, medically unnecessary, ineffective, harmful, or caused any of the injuries or harms for which Plaintiff seeks recovery.

TWENTY-FIRST DEFENSE

Plaintiff's claims are barred by the doctrines of estoppel, waiver, and/or ratification.

TWENTY-SECOND DEFENSE

Plaintiff's claims against Defendant do not arise from the same transactions or occurrences as their claims against other defendants, as required for joinder of parties.

TWENTY-THIRD DEFENSE

Plaintiff failed to join all necessary and indispensable parties, including without limitation the DEA, health care providers, prescribers, patients, and other third parties whom Plaintiff alleges engaged in or contributed to the prescription, dispensing, diversion, or use of opioids.

TWENTY-FOURTH DEFENSE

Defendant denies all types of causation, including without limitation cause in fact, proximate cause, efficient proximate cause, and producing cause, as to the claims asserted against Defendant.

TWENTY-FIFTH DEFENSE

Plaintiff's claims are barred, in whole or in part, because Defendant did not proximately cause the Plaintiff's alleged damages, and because the acts of other persons, including without limitation individuals engaged in the illegal sale and/or use of opioids, intervened between Defendant's acts and Plaintiff's alleged harms.

TWENTY-SIXTH DEFENSE

Plaintiff's claims are barred to the extent they are based on the intentional criminal acts of third parties, which Defendant had no duty to control or prevent and which act as superseding and/or intervening causes that extinguish any liability.

TWENTY-SEVENTH DEFENSE

Plaintiff's claims are barred because its alleged injuries and damages resulted from intervening and/or superseding causes, and any act or omission by Defendant was not the proximate and/or producing cause of Plaintiff's alleged injuries and damages.

TWENTY-EIGHTH DEFENSE

Plaintiff's claims are barred, in whole or in part, because its alleged injuries or damages, if any, were due to illicit use or abuse of the medications at issue by the medication users.

TWENTY-NINTH DEFENSE

Plaintiff's claims are barred to the extent its alleged injuries and damages were caused or contributed to by the negligence or conduct of Plaintiff and/or third parties over whom Defendant had no control and for whom it is not responsible

THIRTIETH DEFENSE

Plaintiff's claims are barred, in whole or in part, because the derivative injury rule and the remoteness doctrine bar Plaintiff from recovering payments that it allegedly made on behalf of its members to reimburse any expenses for health care, pharmaceutical care, and/or other public services.

THIRTY-FIRST DEFENSE

The alleged injuries and damages asserted by Plaintiff are too remote and/or speculative from the alleged conduct of Defendant to be a basis for liability as a matter of law and due process and derive solely from the claims of others.

THIRTY-SECOND DEFENSE

Plaintiff would be unjustly enriched if allowed to recover on any of their claims.

THIRTY-THIRD DEFENSE

Plaintiff's claims are barred in whole or in part because Plaintiff suffered no injuries or damages as a result of any action by Defendant.

THIRTY-FOURTH DEFENSE

Plaintiff's claims are barred, in whole or in part, because its alleged injuries or damages were caused by unforeseeable or uncontrollable forces over which Defendant had no control, including without limitation pre-existing or unrelated medical conditions.

THIRTY-FIFTH DEFENSE

Plaintiff's claims are barred, in whole or in part, because its alleged injuries or damages were caused by the misuse of the medications involved, by failure to use the medications properly, by the alteration, modification, or criminal misuse of medications, and/or the improper prescription of medications by third parties over whom Defendant had no control.

THIRTY-SIXTH DEFENSE

Plaintiff's claims are barred, in whole or in part, because neither the users of the subject prescription medications nor their prescribers relied to their detriment upon any statement by Defendant in determining to use or prescribe the subject prescription medications.

THIRTY-SEVENTH DEFENSE

Plaintiff's claims are barred in whole or in part under the learned intermediary doctrine.

THIRTY-EIGHTH DEFENSE

Any injuries and/or damages sustained by Plaintiff were caused, in whole or part, by its own failure to effectively enforce the law and prosecute violations thereof and any recovery by Plaintiff is barred or, alternatively, should be diminished according to its own fault.

THIRTY-NINTH DEFENSE

Any recovery by Plaintiff may be barred or limited by the principle of comparative or contributory fault.

FORTIETH DEFENSE

Any recovery by Plaintiff may be barred or limited by the principles of informed consent and/or assumption of the risk, whether primary, express, or implied.

FORTY-FIRST DEFENSE

Defendant asserts its right to a proportionate reduction, based on the negligence or other conduct of any settling tortfeasor, responsible third party, or plaintiff, of any damages found against Defendant. 23 O.S. §15.

FORTY-SECOND DEFENSE

Plaintiff's claims are barred to the extent its alleged damages are speculative, uncertain, or hypothetical.

FORTY-THIRD DEFENSE

Plaintiff's damages, if any, were caused by the direct and proximate negligence or other conduct of entities or persons other than Defendant, and in the event Defendant is found liable to Plaintiff, Defendant will be entitled to indemnification, contribution and/or apportionment.

FORTY-FOURTH DEFENSE

Any verdict or judgment that might be recovered by Plaintiff must be reduced by those amounts that have already indemnified or with reasonable certainty will indemnify Plaintiff in whole or in part for any past or future claimed economic loss from any collateral source or any other applicable law.

FORTY-FIFTH DEFENSE

In the event of liability against Defendant (which liability is specifically denied), a percentage of the tortious conduct that proximately caused Plaintiff's injury or loss is attributable to (1) the Plaintiff; (2) other parties from whom Plaintiff seeks recovery; and (3) persons from whom Plaintiff does not seek recovery in this action, including but not limited to opioid prescribers, their associates, and employers, including hospitals; non-party manufacturers of prescription opioids; non-party distributors of prescription opioids; non-party pharmacies and pharmacists employed or formerly employed by those pharmacies; other individuals or entities involved in the manufacture, import, distribution, diversion, procurement, sale, dispensing, use, misuse, or abuse of prescription opioids and/or other medications or illegal drugs; delivery services; federal, state, and local government entities; health insurers and pharmacy benefit managers; and any other individuals or entities identified by Plaintiff or any other defendant as a non-party whose tortious conduct proximately caused Plaintiff's injury or loss. *See* Okla. Stat. tit. 23 §§ 13-14.

FORTY-SIXTH DEFENSE

In the event of liability against Defendant (which liability is specifically denied), the facts will show that any recovery must be reduced pursuant to Okla. Stat. tit. 23 §§ 13-14 to account for the acts and omissions attributed to Plaintiff.

FORTY-SEVENTH DEFENSE

Plaintiff failed or refused to exercise reasonable care and diligence to avoid loss and minimize damages and may not recover for losses that could have been prevented by reasonable efforts on its part, or by expenditures which might reasonably have been made. Recovery, if any, should therefore be reduced by Plaintiff's failure to mitigate damages, if any.

FORTY-EIGHTH DEFENSE

Plaintiff's claims are barred or limited by the economic loss rule.

FORTY-NINTH DEFENSE

Plaintiff's claims are barred or limited by the free public services and/or municipal cost recovery doctrine.

FIFTIETH DEFENSE

Plaintiff's claims are barred to the extent they relate to Defendant's or other defendants' alleged advertising, public statements, lobbying, or other activities protected by the First Amendment to the Constitution of the United States or by the Constitution of the State of Ohio or that of any other state whose laws may apply.

FIFTY-FIRST DEFENSE

The damages which Plaintiff may be entitled to recover if liability is established (which liability is specifically denied) are capped pursuant to Okla. Stat. tit. 23 § 9.1.

FIFTY-SECOND DEFENSE

Any damages that Plaintiff may recover against Defendant must be reduced to the extent that Plaintiff are seeking damages for alleged injuries or expenses related to the same user(s) of the subject prescription medications, or damages recovered or recoverable by other actual or potential plaintiffs. Any damages that Plaintiff may recover against Defendant must be reduced to the extent they unjustly enrich Plaintiff.

FIFTY-THIRD DEFENSE

Plaintiff's claims are barred to the extent they rely, explicitly or implicitly, on a theory of market-share liability.

FIFTY-FOURTH DEFENSE

To the extent Plaintiff attempts to seek equitable relief, Plaintiff is not entitled to such relief because Plaintiff has an adequate remedy at law.

FIFTY-FIFTH DEFENSE

Plaintiff's claims are barred, in whole or in part, to the extent that they violate the Due Process or Ex Post Facto clauses of the United States or Oklahoma constitutions.

FIFTY-SIXTH DEFENSE

Defendants' rights under the Due Process Clause of the U.S. Constitution and applicable state constitutions or statutes are violated by any financial or other arrangement that might distort a government attorney's duty to pursue justice rather than his or her personal interests, financial or otherwise, in the context of a civil enforcement proceeding, including by Plaintiff's use of a contingency fee contract with private counsel.

FIFTY-SEVENTH DEFENSE

Plaintiff's claims are barred, in whole or in part, to the extent that they violate the Dormant Commerce Clause of the United States Constitution.

FIFTY-EIGHTH DEFENSE

Plaintiff's claims are preempted by federal law, including without limitation the federal Controlled Substances Act and the Food, Drug, and Cosmetic Act ("FDCA").

FIFTY-NINTH DEFENSE

Defendant's conduct conformed with the FDCA and the requirements of the FDA, and the activities of Defendant alleged in the Complaint conformed with all state and federal statutes, regulations, and industry standards based on the state of knowledge at the relevant time(s) alleged in the Complaint.

SIXTIETH DEFENSE

Plaintiff's claims are barred, in whole or in part, by conflict preemption as set forth in the United States Supreme Court's decisions in *PLIVA, Inc. v. Mensing*, 564 U.S. 604 (2011), and *Mutual Pharm. Co. v. Bartlett*, 570 U.S. 472 (2013).

SIXTY-FIRST DEFENSE

Plaintiff's claims are preempted insofar as they conflict with Congress's purposes and objectives in enacting relevant federal legislation and authorizing regulations, including the Hatch-Waxman Amendments to the FDCA and implementing regulations. *See Geier v. Am. Honda Co.*, 529 U.S. 861 (2000).

SIXTY-SECOND DEFENSE

To the extent Plaintiff asserts claims that depend on violations of federal law, including any claims of a "fraud on the FDA" with respect to the Manufacturer Defendants' disclosure of information related to the safety of their medications at issue, such claims are barred and should be dismissed. *See Buckman Co. v. Plaintiff's Legal Comm.*, 531 U.S. 341 (2001).

SIXTY-THIRD DEFENSE

To the extent Plaintiff asserts claims that depend on violations of federal law, including any claims of "fraud on the DEA" with respect to Defendant's compliance with statutes or regulations administered and/or enforced by the DEA, such claims are barred and should be dismissed. *See Buckman Co. v. Plaintiff's Legal Comm.*, 531 U.S. 341 (2001).

SIXTY-FOURTH DEFENSE

Plaintiff's claims are barred, in whole or in part, by the deference that common law accords discretionary actions by the FDA under the FDCA and discretionary actions by the DEA under the Controlled Substances Act.

SIXTY-FIFTH DEFENSE

Plaintiff's claims are barred, in whole or in part, for failure to exhaust administrative remedies.

SIXTY-SIXTH DEFENSE

If Plaintiff incurred the damages alleged, which is expressly denied, Defendant is not liable for damages because the methods, standards, or techniques of designing, manufacturing, labeling, distributing and/or dispensing of the prescription medications at issue complied with and were in conformity with the laws and regulations of the Controlled Substances Act, the FDCA, and the generally recognized state of the art in the industry at the time the product was designed, manufactured, labeled, distributed and/or dispensed.

SIXTY-SEVENTH DEFENSE

Plaintiff's claims are barred to the extent they are based on any allegations involving failure to provide adequate warnings or information because all warnings or information that accompanied the allegedly dispensed products were approved by the United States Food & Drug Administration for a product approved under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Section 301 et seq.), as amended, or Section 351, Public Health Service Act (42 U.S.C. Section 262), as amended, or the warnings and information provided were those stated in monographs developed by the United States Food & Drug Administration for pharmaceutical products.

SIXTY-EIGHTH DEFENSE

Defendant did not owe or breach any statutory or common law duty to Plaintiff.

SIXTY-NINTH DEFENSE

Defendant appropriately, completely, and fully performed and discharged any and all obligations and legal duties arising out of the matters alleged in the Complaint.

SEVENTIETH DEFENSE

Plaintiff's claims are barred, in whole or in part, because Defendant complied at all relevant times with all applicable laws, including all legal and regulatory duties.

SEVENTY-FIRST DEFENSE

To the extent that Plaintiff relies on letters or other informal guidance from the DEA to establish Defendant's regulatory duties, such informal guidance cannot enlarge Defendant's regulatory duties in the absence of compliance by DEA with the requirements by the Administrative Procedure Act, 5 U.S.C. § 551 *et seq.*

SEVENTY-SECOND DEFENSE

Plaintiff's claims are barred, in whole or in part, because Plaintiff has no private right of action under the relevant laws and regulations.

SEVENTY-THIRD DEFENSE

Plaintiff's claims are barred, in whole or in part, by the Restatement (Second) of Torts § 402A, cmts. j and k, and Restatement (Third) of Torts: Products Liability § 6.

SEVENTY-FOURTH DEFENSE

Defendant is not liable for any statements in the Manufacturer Defendants' branded or unbranded materials.

SEVENTY-FIFTH DEFENSE

Defendant is not liable for any statements or alleged actions (whether individually or in concert) by the Manufacturer or Distributor Defendants.

SEVENTY-SIXTH DEFENSE

Plaintiff's claims are barred in whole or in part, or are subject to other limitations, by Oklahoma Product Liability Laws both statutory and common law.

SEVENTY-SEVENTH DEFENSE

Plaintiff's nuisance claims are barred to the extent that they lack the statutory authority to bring a nuisance claim under Oklahoma law.

SEVENTY-EIGHTH DEFENSE

Plaintiff's nuisance claims are barred or limited to the extent that they have been abrogated by Okla. Stat. tit. 76 § 57.2(G).

SEVENTY-NINTH DEFENSE

Plaintiff's claim of public nuisance is barred or limited because no action of Defendant involved interference with real property; illegal conduct perpetrated by third parties involving the use of an otherwise legal product does not involve a public right against the Defendant sufficient to state a claim for public nuisance; the alleged public nuisance would have impermissible extraterritorial reach; and the alleged conduct of Defendant is too remote from the alleged injury as a matter of law and due process.

EIGHTIETH DEFENSE

Plaintiff's claim for unjust enrichment is barred or limited because Defendant did not receive and retain any alleged benefit from Plaintiff.

EIGHTY-FIRST DEFENSE

Plaintiff's claims are barred, reduced, and/or limited to the extent that Defendant is entitled to a credit or setoff for any and all sums Plaintiff has received in the way of any and all settlements. 12 O.S. §832(H).

EIGHTY-SECOND DEFENSE

Plaintiff's claims are barred, reduced, and/or limited to the extent that Defendant is entitled to a credit or setoff for any and all sums Plaintiff has received in the way of any and all settlements.

EIGHTY-THIRD DEFENSE

To the extent that Plaintiff is alleging fraud, fraudulent concealment, or similar conduct, Plaintiff has failed to plead fraud with sufficient particularity.

EIGHTY-FOURTH DEFENSE

Plaintiff fails to plead any actionable misrepresentation or omission made by or attributable to Defendant.

EIGHTY-FIFTH DEFENSE

Plaintiff may be barred by the doctrines of res judicata and collateral estoppel from all forms of relief sought in the Complaint

EIGHTY-SIXTH DEFENSE

Plaintiff's claims are barred or limited by the terms and effect of any applicable Consent Judgment, including by operation of the doctrines of res judicata and collateral estoppel, failure to fulfill conditions precedent, failure to provide requisite notice, payment, accord and satisfaction, and compromise and settlement.

EIGHTY-SEVENTH DEFENSE

Plaintiff's claims are barred in whole or in part because no conduct of Defendant was misleading, unfair, or deceptive.

EIGHTY-EIGHTH DEFENSE

Plaintiff's claims may be barred because neither the users, nor the prescribers of the medications dispensed by Defendant, nor Plaintiff itself, relied to their detriment upon any statement by Defendant in determining to use the medications at issue.

EIGHTY-NINTH DEFENSE

Plaintiff's claims are barred, in whole or in part, by the doctrines of acquiescence, settlement, or release.

NINETIETH DEFENSE

Defendant's liability, if any, will not result from its conduct but is solely the result of an obligation imposed by law, and thus Defendant is entitled to complete indemnity, express or implied, by other parties.

NINETY-FIRST DEFENSE

Plaintiff's claims for punitive or exemplary damages or other civil penalties are barred or reduced by applicable law or statute or, in the alternative, are unconstitutional insofar as they violate the Due Process clauses of the United States Constitution, the Excessive Fines Clause of the Eighth Amendment of the United States Constitution, the Full Faith and Credit Clause of the United States Constitution, the Double Jeopardy Clause of the Fifth Amendment to the United States Constitution, the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, the Sixth Amendment to the United States Constitution, and applicable provisions of the Constitution of Oklahoma or that of any other state whose laws may apply. Any law, statute or other authority purporting to permit the recovery of punitive damages or civil penalties in this case is unconstitutional, facially and as applied, to the extent that, without limitation, it:

- (1) lacks constitutionally sufficient standards to guide and restrain the jury's discretion in determining whether to award punitive damages or civil penalties and/or the amount, if any;
- (2) is void for vagueness in that it fails to provide adequate advance notice as to what conduct will result in punitive damages or civil penalties;

- (3) unconstitutionally may permit recovery of punitive damages or civil penalties based on harms to third parties, out-of-state conduct, conduct that complied with applicable law, or conduct that was not directed, or did not proximately cause harm, to Plaintiff;
- (4) permits the imposition of punitive damages where the burden of proof is less than clear and convincing evidence;
- (5) permits the imposition of punitive damages without bifurcating the trial and trying all punitive damages issues separately, only if and after a finding on the merits of the liability of the Defendants;
- (6) permits the imposition of punitive damages without any predetermined limit on any such award;
- (7) permits an imposition of punitive damages that allows for multiple punishments for the same alleged act(s) or omission(s);
- (8) unconstitutionally may permit recovery of punitive damages or civil penalties in an amount that is not both reasonable and proportionate to the amount of harm, if any, to Plaintiff and to the amount of compensatory damages, if any;
- (9) unconstitutionally may permit jury consideration of net worth or other financial information relating to Defendants;
- (10) lacks constitutionally sufficient standards to be applied by the trial court in post-verdict review of any award of punitive damages or civil penalties;
- (11) lacks constitutionally sufficient standards for appellate review of any award of punitive damages or civil penalties;
- (12) would unconstitutionally impose a penalty, criminal in nature, without according to Defendants the same procedural protections that are accorded to criminal defendants

under the constitutions of the United States, Oklahoma, and any other state whose laws may apply; and

(13) otherwise fails to satisfy Supreme Court precedent, including, without limitation, *Pacific Mut. Life Ins. Co. v. Haslip*, 499 U.S. 1 (1991); *TXO Production Corp. v. Alliance Resources Corp.*, 509 U.S. 443 (1993); *BMW of N. Am., Inc. v. Gore*, 517 U.S. 559 (1996); *State Farm Mutual Auto. Ins. Co. v. Campbell*, 538 U.S. 408 (2003); and *Philip Morris USA v. Williams*, 549 U.S. 346 (2007).

NINETY-SECOND DEFENSE

To the extent that Plaintiff seeks punitive, exemplary, or aggravated damages, any such damages are barred because the product at issue, and its labeling, were subject to and received pre-market approval by the FDA under 52 Stat. 1040, 21 U.S.C. § 301.

NINETY-THIRD DEFENSE

Plaintiff's claims for punitive or exemplary damages are barred because Plaintiff cannot prove by clear and convincing evidence that Defendant was grossly negligent and Defendant has neither acted nor failed to act in a manner that entitles Plaintiff to recover punitive or exemplary damages.

NINETY-FOURTH DEFENSE

Plaintiff cannot obtain relief on its claims based on actions undertaken by Defendant of which Defendant provided notice of all material facts.

NINETY-FIFTH DEFENSE

Defendant is entitled to, and claims the benefit of, all defenses and presumptions set forth in or arising from any rule of law or statute of Oklahoma or any other state whose substantive law might control the action.

NINETY-SIXTH DEFENSE

Defendant asserts all applicable defenses under Federal Rules of Civil Procedure 8(c) and 12(b) and/or Okla. Stat. tit. 12 § 2012, as investigation and discovery proceeds.

NINETY-SEVENTH DEFENSE

Defendant reserves the right to assert any other defense available under Oklahoma statutes, Oklahoma common law, the Oklahoma Constitution, and/or any other state constitution, statute, or regulation that may apply.

NINETY-EIGHTH DEFENSE

To the extent they are not otherwise incorporated herein, Defendant incorporates as a defense the defenses and arguments raised in the motions to dismiss of the Manufacturer Defendants, Distributor Defendants, and Pharmacy Defendants in this case.

NINETY-NINTH DEFENSE

Defendant adopts by reference any additional applicable defense pleaded by any other Defendants not otherwise pleaded herein.

ONE HUNDRETH DEFENSE

In the event of a finding of liability against Defendant (which liability is specifically denied), its liability for damages is several only, and it can only be liable for the amount of damages allocated to it. 23 O.S. §15.

ONE HUNDRED AND FIRST DEFENSE

Plaintiff's claims are barred or limited by the Indian Healthcare Improvement Act, the Indian Self-Determination and Education Assistance Act, and/or the Federal Medical Care Recovery Act.

ONE HUNDRED AND SECOND DEFENSE

This Court lacks subject matter jurisdiction.

ONE HUNDRED AND THIRD DEFENSE

This Court lacks personal jurisdiction.

ONE HUNDRED AND FOURTH DEFENSE

Plaintiff's claims are barred in whole or in part, or are subject to other limitations, by the Oklahoma Affordable Access to Healthcare Act, 63 O.S. § 1-1709, et seq.

PRAYER FOR RELIEF

WHEREFORE, NRF, Inc. d/b/a Couch Pharmacy ("Defendant") prays for relief from judgment from Plaintiff as follows:

1. Plaintiff take nothing by reason of this Complaint;
2. NRF, Inc. d/b/a Couch Pharmacy recovers its costs and attorneys' fees incurred herein; and

3. For such further and other relief as the Court deems proper.

Dated: July 26, 2019

Respectfully submitted,

/s/ Edward D. Papp

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*Attorneys for Defendant
NRF, Inc. d/b/a Couch Pharmacy*

JURY DEMAND

Defendant respectfully requests a Jury in the maximum number allowed by law at the time of the Trial of this matter on any disputed issue of material fact.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 26, 2019, the foregoing was filed using the Court's CM/ECF filing system and will be served via the Court's CM/ECF filing system on all attorneys of record.

/s/ Edward D. Papp _____
EDWARD D. PAPP
One of the Attorneys for Defendant
NRF, Inc. d/b/a Couch Pharmacy